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August 3, 1999

Via Hand Delivery

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RECEIVED
AUG 3 1999
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Radio Power Inc.
WRCD(FM), Canton, New York
Petition for Rule Making

Dear Ms. Salas:

Radio Power Inc., pursuant to Section 1.401 of the Commission's Rules and by its attorneys, hereby files an original and five copies of its Petition for Rule Making for the above-referenced station.

Please contact the undersigned directly if there are any questions concerning this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David G. O'Neil", written in a cursive style.

David G. O'Neil

DGO:do
Enclosures (6)

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re Petition of)	
)	
Radio Power Inc.)	MM Docket No. 99- _____
)	
Amendment of Section 73.202(b),)	RM- _____
FM Table of Allotments,)	
Canton, New York and)	
Saranac Lake, New York)	

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FEDERAL COMMUNICATIONS COMMISSION
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PETITION FOR RULE MAKING

Radio Power Inc., ("Radio Power"), pursuant to Section 1.401 of the Commission's Rules and by its attorneys, hereby files this petition for rule making ("Petition") to amend Section 73.202(b) of the Commission's Rules by substituting Channel 227A for Channel 269A at Saranac Lake, New York, substituting Channel 268C2 for Channel 268A at Canton New York, and modifying the authorization of WRCD(FM) to operate on Channel 268C2 accordingly. In support thereof, the following is hereby shown:

1. Power Radio is licensed to operate FM Radio Broadcast Station WRCD(FM), Canton, New York on Channel 268A. Channel 269A is allocated to Saranac Lake as a grandfathered 3 kilowatt allotment. The allotment at Saranac Lake is vacant.

2. The Petition proposes to substitute Channel 268C2 for Channel 268A at Canton and modify the authorization for WRCD(FM) accordingly. The allotment of Channel 268C2 to Canton is short-spaced to the present allotment of Channel 269A at Saranac Lake. However, substituting Channel 227A for Channel 269A at Saranac Lake would eliminate the short-spacing.

3. The proposed allotment complies with Section 1.420(g)(3) of the Commission's Rules. As demonstrated in the Engineering Statement of Robert M. Smith, Jr., the substitution of Channel 268C2 at Canton is mutually exclusive with the present allotment of Channel 268A at Canton. See *Engineering Statement of Robert M. Smith* at 2. ("*Engineering Statement*").¹ Thus, the Petition satisfies the requirements of Section 1.420(g)(3).

4. The proposed allotments for Canton and Saranac Lake are fully-spaced to all domestic allotments. See *Engineering Statement* at 1 & 2. The proposed allotments are short-spaced to several Canadian stations or allotments, but as demonstrated in the *Engineering Statement*, qualify for specifically negotiated short-spacing allotments with Canada because the proposed allotments provide the required contour protection to the Canadian stations and allotments. Power Radio requests that the Commission coordinate the allotments with Canada as soon as possible.

5. The instant petition serves the Commission's allotment priorities and policies² better than the present allotment. The petition would provide improved service to the public by upgrading the allotment at Canton. The petition would also permit the

¹ Mr. Smith's Engineering Statement is attached hereto as Exhibit 1.

² The FM priorities are: (1) first aural service; (2) second aural service; (3) first local service; and (4) other public interest matters. Co-equal weight is given to priorities (2) and (3). See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88, 92 (1982) ("FM Assignment Policies").

provision of improved service to Saranac Lake and the surrounding area by permitting the operation of a full Class A facility on Channel 227 with six kilowatts instead of the present grandfathered allotment on Channel 269A with three kilowatts. Thus, the Petition would permit both allotments to provide improved service to the public.

6. If the Amended Petition is granted, Power Radio will file an application for construction permit to construct and operate WRCD(FM) on Channel 268C2, Canton, New York, and expeditiously construct the new facility.

CONCLUSION

Power Radio proposes that the Commission amend the FM Table of Allotments as follows:

<u>Location</u>	<u>Current Allocation</u>	<u>Proposed Allocation</u>
Canton, NY	268A	268C2
Saranac Lake, NY	269A	227A

Power Radio further proposes that the Commission modify the license of WRCD(FM) to specify operation on Channel 268C2 at Canton, New York. The proposed channel substitutions satisfies the requirements of Section 1.420(g)(3) and serves the public interest by providing improved wide area service to Canton, Saranac Lake and the surrounding areas. The Petition is a preferential allotment under the Commission priorities for assigning FM allotments.

WHEREFORE, for the foregoing reasons, Power Radio respectfully requests that the Commission grant this Petition for Rule Making and amend the FM Table of Allotments as proposed herein.

Respectfully submitted

POWER RADIO INC.


David G. O'Neil, Esq.

Rini, Coran & Lancellotta, P.C.
1350 Connecticut Avenue, N.W.
Suite 900
Washington, DC 20036
(202) 296-2007

August 3, 1999

Its Attorney

EXHIBIT 1

ENGINEERING STATEMENT OF
ROBERT M. SMITH, JR.

R. M. SMITH ASSOCIATES

BROADCAST TECHNICAL CONSULTANTS
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ENGINEERING STATEMENT

**IN SUPPORT OF
PETITION FOR RULE MAKING**

**BY:
RADIO POWER INC..**

July 1999

PURPOSE AND SCOPE

The Petition, by Radio Power Inc. ("RPI"), of which this Statement is a part, requests a modification of the F.C.C. FM Table of Allotments in 47 CFR 73.202 by deleting the vacant allotment of channel 269A (a 3.0 kW allotment) at Saranac Lake, NY, adding an allotment 227A (a 6.0 kW allotment) at Saranac Lake, NY, deleting the allotment of channel 268A at Canton, NY, and adding an allotment 268C2 at Canton, NY. This Statement supports the Petition by showing that the new allotments comply with applicable spacing requirements, provide 70 dBu coverage to the principal communities of the new allotments and increase service to the public.

ALLOTMENT SPACING

CHANNEL 227A AT SARANAC LAKE, NY

An allotment site specified as 44-20-28, W74-07-43 (the same location as the present 269A allotment) is fully spaced per the requirements of 47 CFR 73.207(b)(1) to all domestic stations/allotments. The site is also fully spaced per the requirements of U.S./Canadian FM Working Agreement to all Canadian stations/allotments with one exception. The proposed allotment site is 136.1 km from the allocation site for channel 228C1 at Montreal, QU. The required spacing between a first adjacent Class A and Class C1 facility is 168 km. RPI requests the proposed allotment be treated as a specially negotiated short-spaced allotment with respect to this Canadian allocation. The 48 dBu F(50,10) contour of a class maximum (6.0 kW, 100 meter HAAT) facility at the allotment site does not cross the U.S./Canadian border, so the allotment should be acceptable to Canada. The operation of a facility on channel 227A in Saranac Lake, NY would be shielded from interference from the Montreal operation on channel 228 by the intervening terrain of the Adirondack Mountains.

CHANNEL 268C2 AT CANTON, NY

An allotment site specified as N44-35-56, W74-46-24 is fully spaced per the requirements of 47 CFR 73.207(b)(1) to all domestic stations/allotments (with the substitution of 227A for 269A at Saranac lake). The site is also fully spaced per the requirements of 47 CFR 73.207(b)(2) to all Canadian stations/allotments with three exceptions. ^{1/}

1. The proposed Canton allotment site is 143.3 km from the allocation site for channel 268A at Montreal, QU. The required spacing between a co-channel Class A and Class C2 facility is 210 km.
2. The proposed Canton allotment site is 51.0 km from the allocation site for channel 270A at Cornwall, ON. The required spacing between a second adjacent Class A and Class C2 facility is 78 km.
3. The proposed Canton allotment site is 67.3 km from the allocation site for channel 271A at Brockville, ON. The required spacing between a third adjacent Class A and Class C2 facility is 69 km.

CANADIAN ALLOTMENT PROTECTION

RPI requests that the proposed allotment of 268C2 at Canton, NY be proposed to the government of Canada as a specially negotiated short spaced allotment based upon the following proposed operation. If the Petition is granted, RPI intends to request a Construction Permit at the proposed allotment site on an existing tower. The antenna center of radiation will be at 454 meters AMSL (138 meters HAAT) utilizing a directional antenna with a maximum ERP of 50.0 kW.

1. A power limitation of 2.7 kW (12.68 dB below 50 kW) at 454 meters AMSL along the bearing toward 268A in Montreal (42.0 Degrees True) prevents the 34 dBu

^{1/}. Although the F.C.C. database show CHIP-FM operating on 268A in Fort-Coulonge, Canada has proposed deleting the allotment and substituting 269B in Fort-Coulonge. CHIP-FM has ceased operation on 268A and has begun operation on 269B.

F(50,10) contour from the proposed allotment from approaching within 3.3 km of the allotment site for channel 268A in Montreal. A proposed directional antenna field pattern providing full protection to 268A in Montreal is attached to this Statement as Figure 1. A portion of a Montreal Sectional Aeronautical chart showing the resulting 34 dBu contour is attached to this Statement as Figure 2.

2. The 74 dBu F(50,10) contour generated by a 50 kW at 454 meters AMSL facility at the proposed allotment site does not cross the U.S./Canadian border. Full protection of channel 270A at Cornwall, ON is provided by this proposal.

3. The 94 dBu F(50,10) contour generated by a full Class C2 facility at the proposed allotment site does not cross the U.S./Canadian border. Full protection of channel 271A at Brockville, ON is provided by this proposal.

PRINCIPAL COMMUNITY COVERAGE

CHANNEL 227A AT SARANAC LAKE, NY

The 70 dBu F(50,50) contour generated by a full Class A facility at the proposed Saranac Lake, NY allotment site is plotted on Figure 2 of this Statement. This contour clearly encompasses the entire community of Saranac Lake.

CHANNEL 268C2 AT CANTON, NY

The 70 dBu F(50,50) contour generated by the proposed C2 facility at the proposed Canton, NY allotment site is plotted on Figure 2 of this Statement. This contour clearly encompasses the entire community of Canton.

PRESENT VERSUS PROPOSED SERVICE

CHANNEL 227A AT SARANAC LAKE, NY

The present allotment of channel 269A at Saranac Lake, NY is limited to 3.0 kW. The allotment site is short spaced under 47 CFR 73.207(b)(1) to a Construction Permit site for WCVT(FM), 269A, Stowe, VT and the licensed site for WENU(FM), 269A in Hudson Falls, NY.

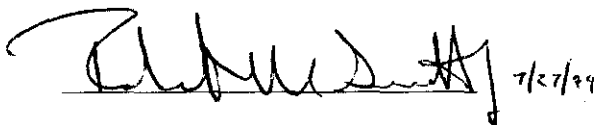
The proposed allotment for Saranac Lake, NY is fully spaced under 47 CFR 73.207(b)(1) and is a full 6.0 kW allotment. The increase in power for 227A from the allotment site will provide service to a larger area than provided by 269A.

CHANNEL 268C2 AT CANTON, NY

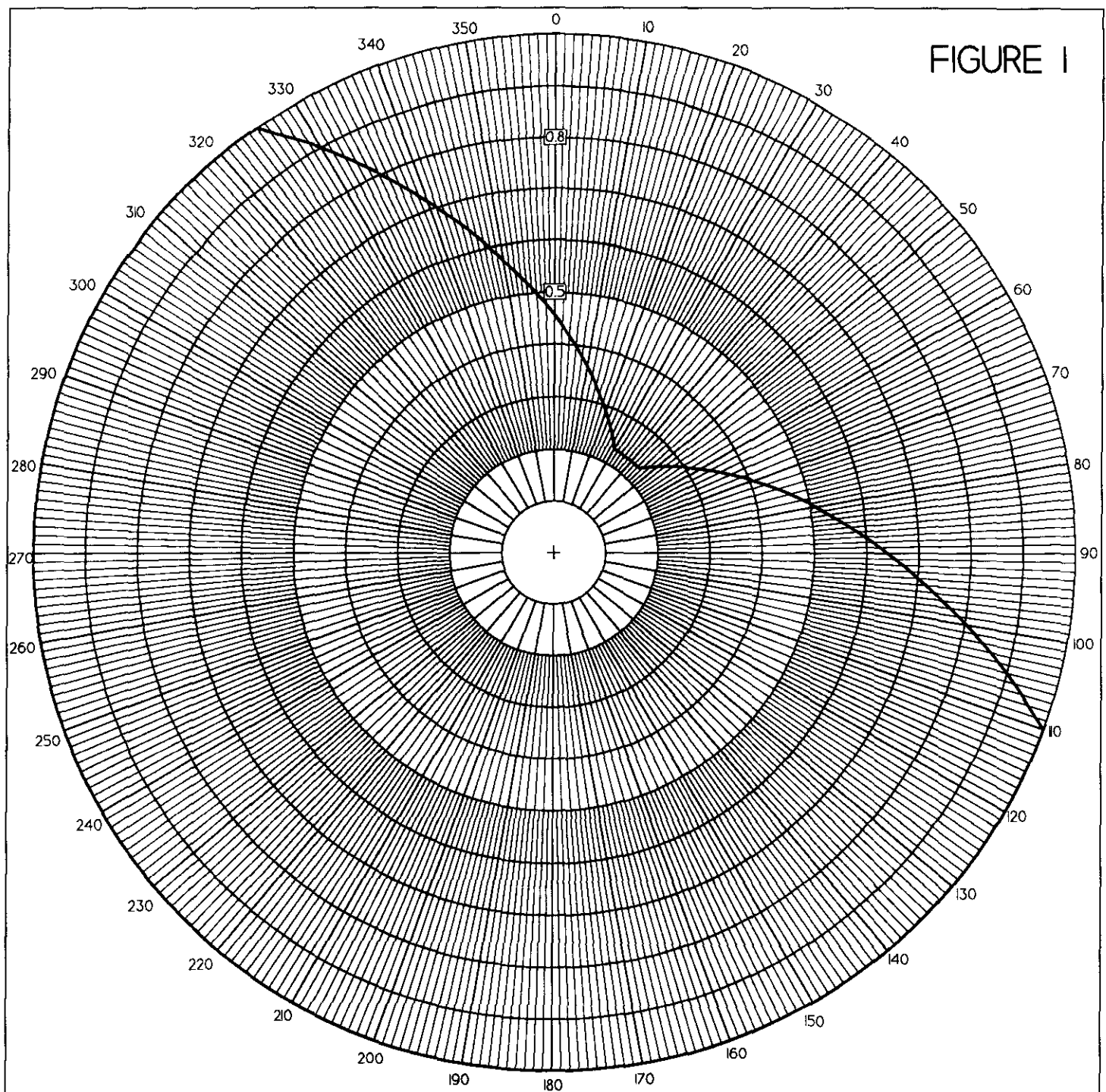
The present allotment of channel 268A at Canton, NY is a Class A allotment providing service to a limited local area. The proposed allotment of 268C2 in Canton, NY will provide coverage to a much larger regional area.

CERTIFICATION

I, Robert M. Smith Jr., of Windham, NH do hereby certify that all of the data, calculations and statements in this application are true and correct to the best of my knowledge and belief. I further certify that I am an experienced and qualified broadcast engineer and that my qualifications are a matter of record with the Commission.

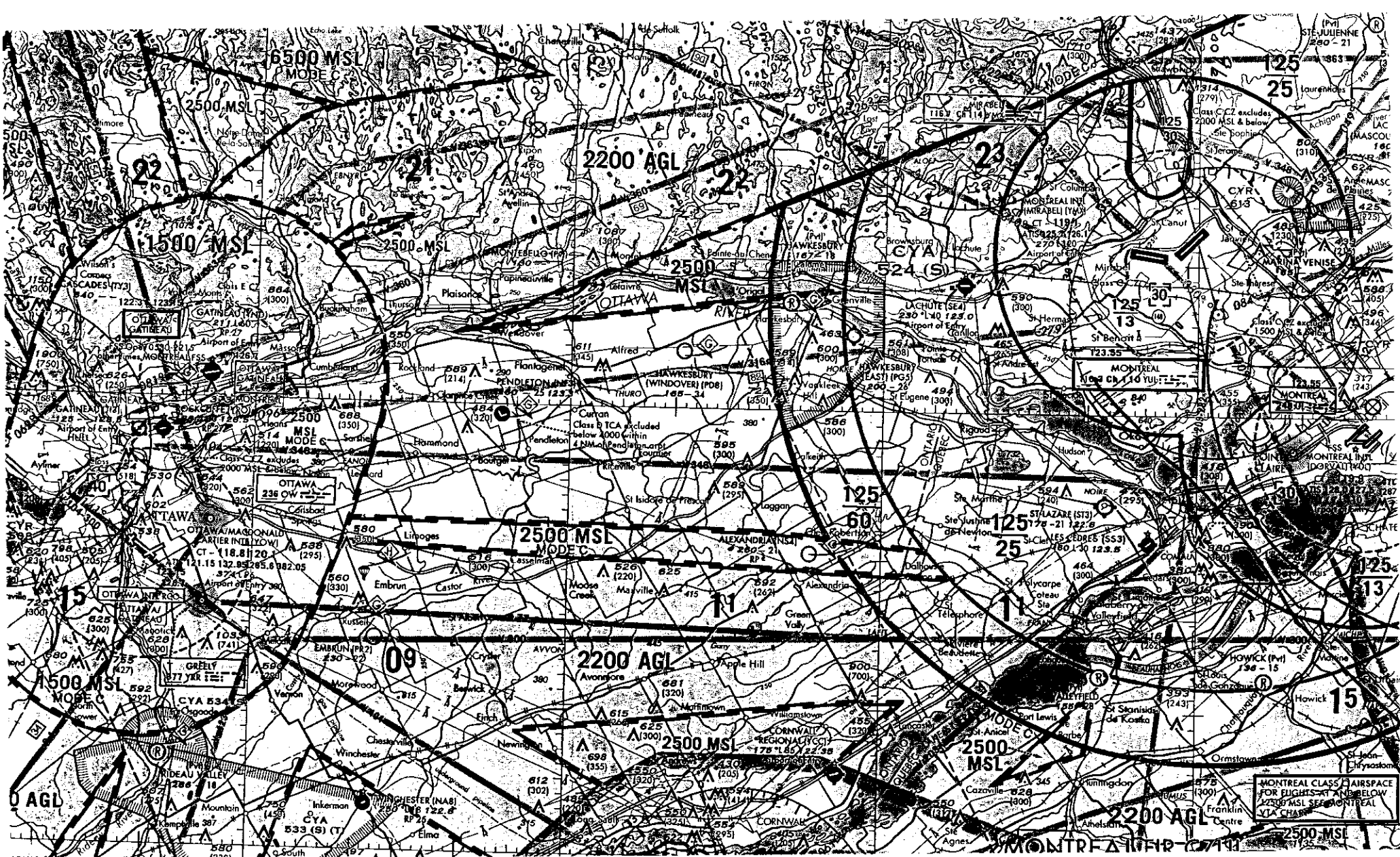


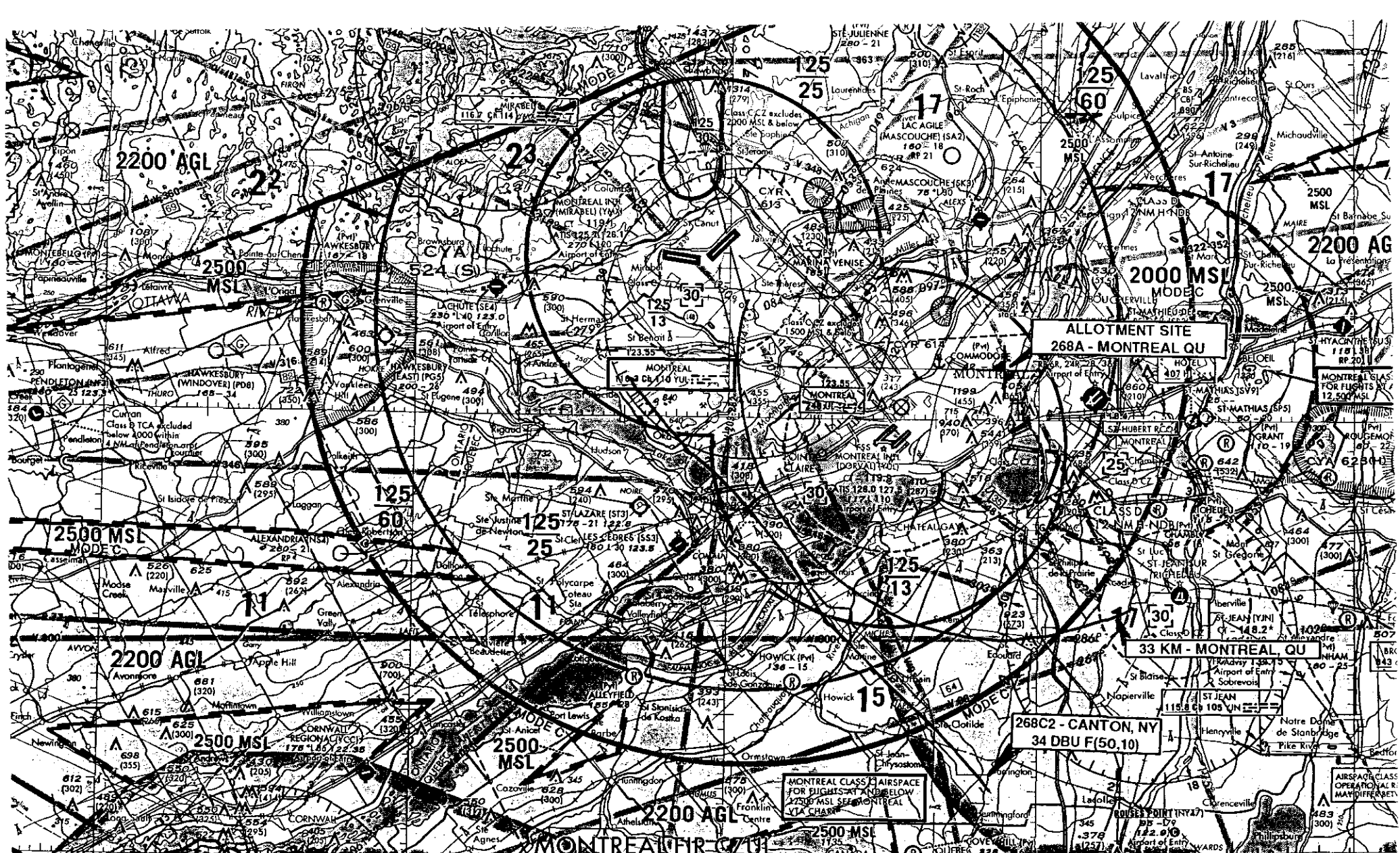
Robert M. Smith Jr.



ALLOTMENT 268C2 - CANTON, NY
PROPOSED DIRECTIONAL ANTENNA
RELATIVE FIELD

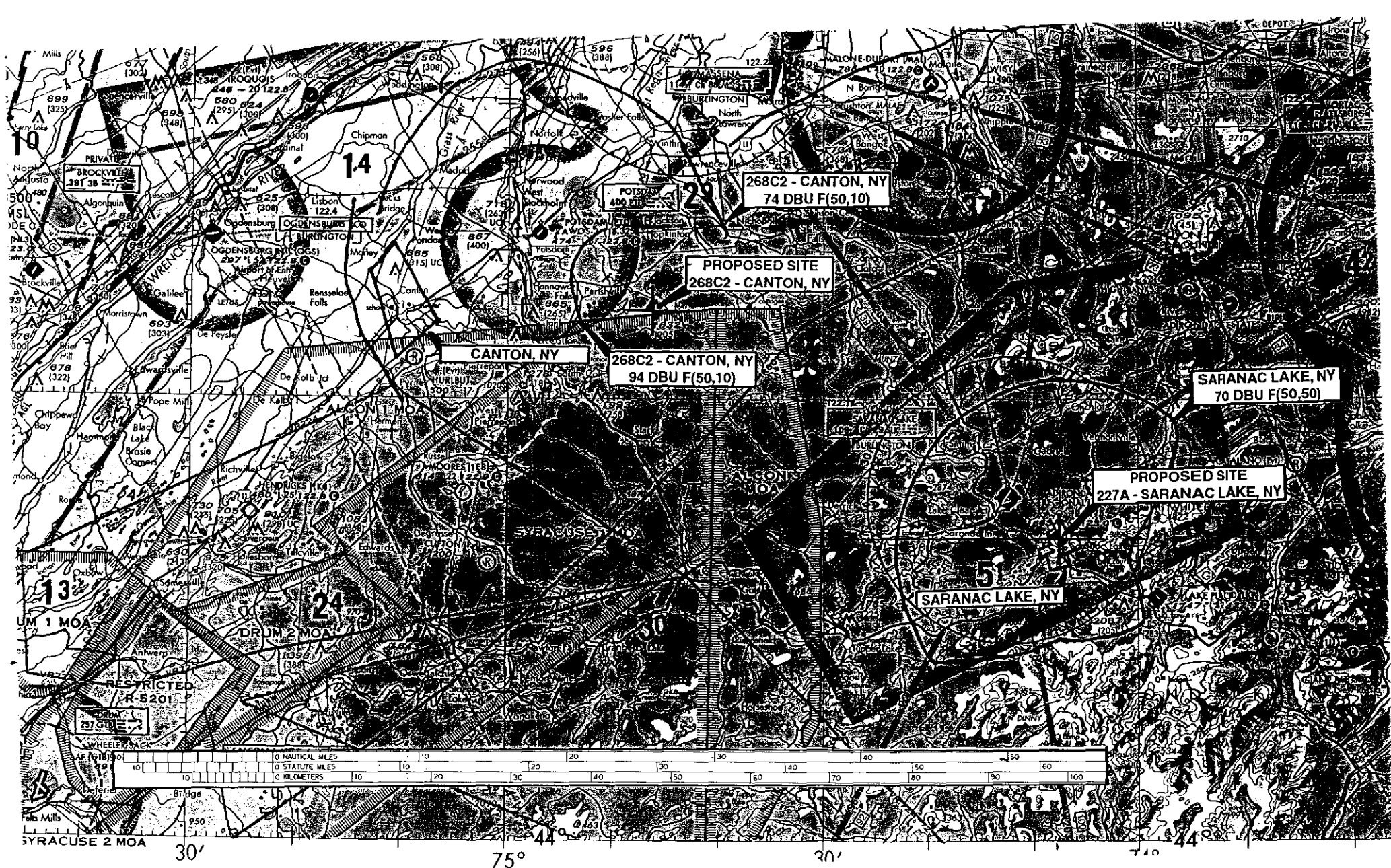
R.M. SMITH ASSOCIATES - WINDHAM, NEW HAMPSHIRE

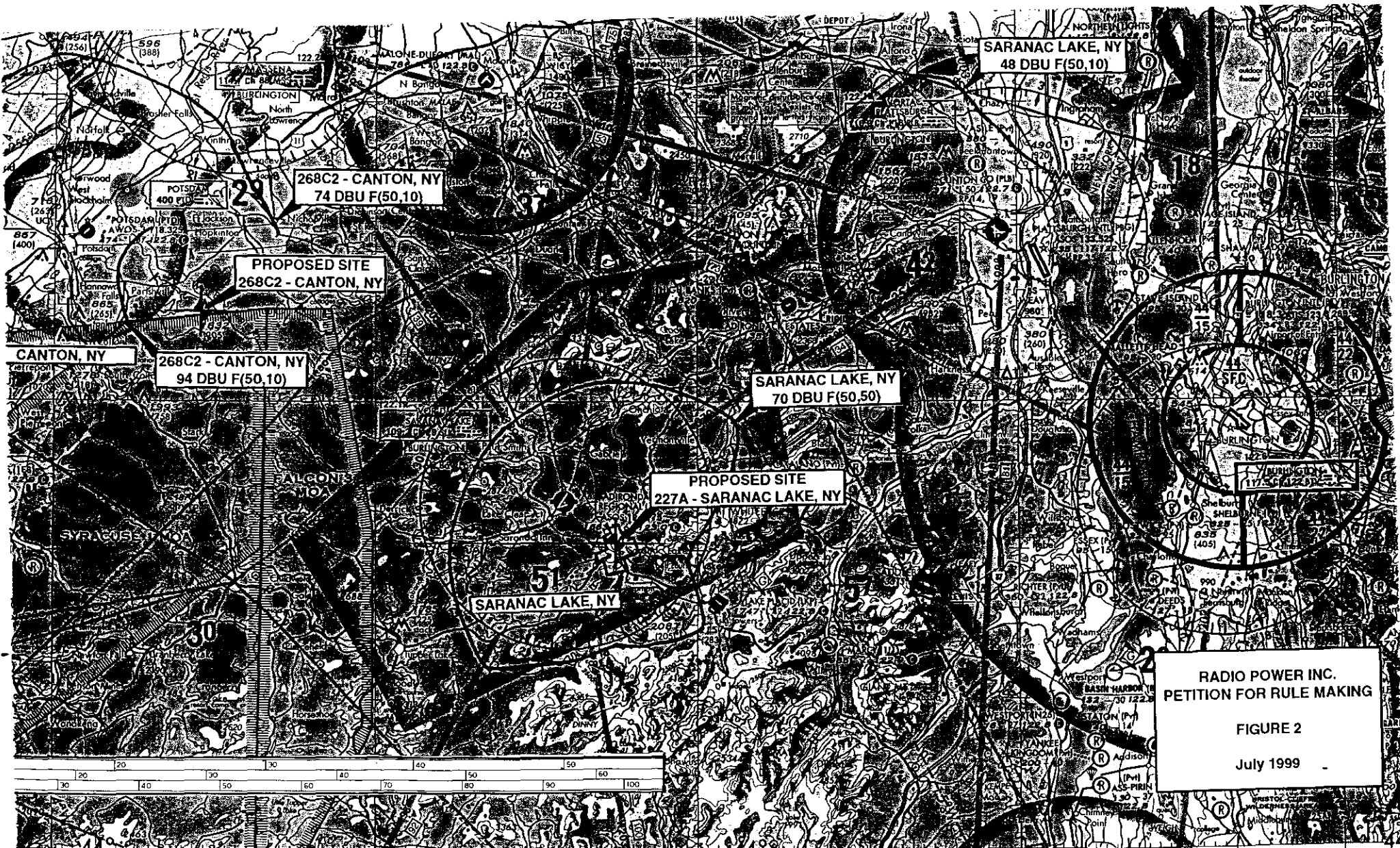












RADIO POWER INC.
PETITION FOR RULE MAKING

FIGURE 2

July 1999